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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,978	01/21/2005	Akiko Shinohara	1141/73755	6910
23432	7590	10/04/2007		
COOPER & DUNHAM, LLP 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER LARYEA, LAWRENCE N	
			ART UNIT 3768	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,978

Applicant(s)

SHINOHARA ET AL.

Examiner

Lawrence N. Laryea

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/21/2005 3/18/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Examiner acknowledges Applicant's amendment and remarks filed April 27, 2007.

1. Claims 1-14 and 15 are now pending. The Examiner acknowledges the amendments to Claim 12 and 13.
2. Applicant's arguments with respect to the rejection(s) of claim(s) 1-15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7,8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yamada (Patent 7239732)** in view of **Nemoto (Patent 6894707)**.

4. Re Claim 1: **Yamada** teaches a medical image diagnosis apparatus which images a subject by forming an image of the whole of a portion of a subject, sets imaging conditions by displaying the imaging conditions on the whole image, the medical image diagnosis apparatus comprising: a first display device capable of displaying the whole image and the imaging conditions (**See Figures 8A and 8B**); a second display device (**P3**) of extracting some of the imaging conditions and displaying

the extracted condition; a display control device **(240)** for the first display device and the second display device; and an inherent operating device **(240)** of variably inputting the imaging conditions displayed in a display image frame on the second display device **(See Col. 8 lines 63-67; Col. 9 lines 1-3 and Col. 10 lines 1-2)**.

5. Re Claim 2: **Yamada** teach a medical image diagnosis apparatus wherein the imaging conditions displayed on the first and second display device are imaging conditions displayed by graphic display and including at least one of an imaging position, an imaging area, a certain number of instances of image reconstruction, an image reconstruction position and a scanner angle **(See Claim 15)**.

6. Re Claim 5: **Yamada** teach a medical image diagnosis apparatus wherein display devices for the first display device and the second display device are provided separately from each other **(See Fig. 2)**.

7. Re Claims 8 and 10: **Yamada** teach a medical image diagnosis apparatus wherein the imaging position and the imaging area in the imaging conditions are indicated by a rectangular frame and a mark in the rectangular frame in the first display device and the second display device, and are set in at least one of the first display device and the second display device **(See Fig. 2)**.

8. Re Claims 3,6 and 7: **Nemoto** teaches a medical image diagnosis apparatus comprises a second display unit which displays a plurality sequence of tomographic image of a subject portion under imaging conditions and operating unit **(See Col. 3 lines 62-64, Col. 1 lines 8-10; Col. 2 lines 25-28, Col. 2 lines 44-55 and figures 1-3,6,7 & 11)**.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a medical image diagnosis apparatus of **Yamada** wherein a medical image diagnosis apparatus comprises a second display unit which display a plurality sequence of tomographic image of a subject portion under imaging conditions similar to that of **Nemoto** in order to perform reliable medical diagnosis in quick and efficient manner (**See Col. 2, lines 25-28**) as taught by **Nemoto**.

9. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yamada** in view of **Nemoto et al** and further view of **Matsui (Patent 6215479)**.

10. Re Claims 14 and 15: **Yamada** in view of **Nemoto et al** disclose the claimed invention; see rejection supra; however **Yamada** in view of **Nemoto et al** do not disclose that display apparatus comprises a touch panel.

11. Re Claim 14: **Yamada** teach a medical image diagnosis apparatus, wherein the operating device comprises a pointer (**C1**).

12. **Matsui** disclose a display apparatus comprises a touch panel and the operating device comprises a pointer. (**See Figures 1(a-b), 3, 4(a-b), and 7(a-c) and Col. 19, Line 33-36**).

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the imaging displaying apparatus similar to that of **Yamada** as modified with **Nemoto et al** wherein the medical image diagnosis apparatus comprises a touch panel and the operating device comprises a pointer similar to that of **Matsui** in order to display and receive information on the same screen wherein allowing

the display to be used as input device. Also, the pointer assists the medical examiner to move it to any desired location on the screen during examination procedure (See **Figures 1(a-b), 3, 4(a-b) and 7(a-c)**).

Allowable Subject Matter

13. Claims 9, 11, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record teaches or suggests a medical image diagnosis apparatus wherein the number of instances of image reconstruction and the image reconstruction positions in the imaging conditions are indicated by lines provided in the rectangular frame and dividing the rectangular frame by extending parallel to sides of the rectangular frame, and wherein the operating device can form a parallelogram by tilting the rectangular frame indicated in the first display device and the second display device; and set the scanner angle in the imaging conditions as the tilt angle of the parallelogram in the first display device and the second display device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Rubbert et al (Patent 6632089) disclose a plurality of displays comprising operative functions which allows the medical examiner to copy, paste, and zoom information on the screens during medical procedure.

Wang et al (Pub. 2003/0212327) teach medical system which comprises a touch screen.

Got et al (Patent 5886933) teach a system wherein first and second display unit display tomographic images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence N. Laryea whose telephone number is 571-272-9060. The examiner can normally be reached on 9:30 a.m.-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on 571-272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNL



Eleni, Mantis-Mercader
Supervisory Patent Examiner
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